

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

KEITH TOLBERT, )  
                        )  
Plaintiff,              )  
v.                         ) CASE NO. 2:08cv108-MEF  
                        )  
CITY OF MONTGOMERY, *et al.*,      )  
                        )  
Defendants.              )

## ORDER

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on March 4, 2008, (Doc. # 4), that this case be dismissed. After a review of the recommendation, to which no timely objections have been filed, and after an independent review of the entire record, the court believes that the recommendation should be adopted. Accordingly, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and  
is hereby ADOPTED and that this case be and is hereby DISMISSED with prejudice  
prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

DONE this the 25<sup>th</sup> day of March, 2008.

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/s/ Mark E. Fuller

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